United Nations A/HRC/31/18/Add.2

General Assembly

Distr.: General
22 January 2016

Original: English

Human Rights Council
Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on freedom of religion or belief on his mission to Bangladesh

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on freedom of region or belief, Heiner Bielefeldt, on his mission to Bangladesh from 31 August to 9 September 2015. He describes the tradition of interreligious coexistence in Bangladesh, which recently has increasingly come under attack, in particular as a result of rising religious extremism. While appreciating the Government's commitment to further develop an inclusive secularity of the State, which is supposed to provide space for the free unfolding of religious diversity, the Special Rapporteur also noted ambiguities in the interpretation and implementation of that principle. He furthermore analyses the situation of people of various religious minorities, some of whom are also indigenous. Other themes of discussion include religious family laws, the situation of religious school education and criminal law sanctions relating to religious issues.

GE.16-00893(E)

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Report of the Special Rapporteur on freedom of religion or belief on his visit to Bangladesh*

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* Circulated in the language of submission only.

I. Introduction

1. The Special Rapporteur on freedom of religion or belief undertook a visit to Bangladesh from 31 August to 9 September 2015. He expresses his gratitude to the Government of Bangladesh for having accepted his request to visit and extended full cooperation and support throughout the visit. The Special Rapporteur is especially thankful to the senior human right advisor to the United Nations in Dhaka for his outstanding support and contribution to a successful country visit. He also appreciates the interest shown by other United Nations colleagues in the thematic issue.

2. He would like to furthermore extend his cordial thanks to the government representatives at the central and district levels, parliamentarians, the National Human Rights Commission, interlocutors from a broad range of civil society organizations, lawyers, members of different religious communities, representatives of indigenous peoples,[1] colleagues from the United Nations family and many others who shared their experiences, assessments and visions. He had many frank and lively discussions with different interlocutors in Dhaka, but also in Bandarban and Rangamati.

3. Before going into the substance of the present report, it should be recalled that freedom of religion or belief is a right held by everyone, regardless of whether they belong to the religious majority or minority in the country. The application of freedom of religion or belief is broad and protects traditional believers as well as people with critical and dissenting views on religious matters.

4. According to the international understanding, freedom of religion or belief also protects "internal minorities", i.e. people who belong to a particular branch of a religion or belief. In view of this universal application to every human being — in recognition of their inherent human dignity — the distinction between majority and minorities eventually may lose much of its significance.

5. Nonetheless, the treatment of religious and other minorities assumes the quality of a "test" question indicative of the general atmosphere in a society. In the following observations, the term "minorities" will quite often emerge. This should not lead to the misunderstanding that freedom of religion or belief is mainly a minority issue. These terms nevertheless are inevitable to describe empirical realities, including concomitant inequalities in power, influence, sense of security and other matters.

II. Legal framework, national policies and infrastructure

6. The Constitution of Bangladesh provides that the State religion of the republic is Islam, but other religions may be practised in peace and harmony in the republic (art. 2A). Meanwhile, the Constitution at its fifteenth amendment has restored secularism as a fundamental principle and aspires to eliminate: (a) communalism in all its forms; (b) the granting by the State of political status in favour of any religion; (c) the abuse of religion for political purposes; and (d) any discrimination against, or persecution of, persons practising a particular religion (art. 12). In other words, it promotes equal rights of other religions; tolerance and non-discrimination, as well as equitable approach in promoting different religious institutions and practices.

[1] The 2011 amendment to the Constitution of Bangladesh refers to the indigenous peoples of Bangladesh as "tribes", "minor races" and "ethnic sects and communities".

7. Freedom of thought and conscience is guaranteed by the Constitution (art. 39, para. 1), which, subject to law, public order and morality, protects the right of every citizen to profess, practise or propagate any religion and the right of every religious community or denomination to establish, maintain and manage its religious institutions (art. 41, para. 1). Furthermore, no one attending any educational institution can be coerced to receive religious instruction or to take part in or to attend any religious ceremony or worship, if that instruction, ceremony or worship relates to a religion other than his own (art. 41, para. 2).

8. The motto of the Government in promoting freedom of religion or belief is "each unto his or her religion, festivals are for all". Besides the guarantees provided by the Constitution, the Government has also enacted laws and acts to uphold and protect religious values. It has taken different initiatives through the 2006 National Cultural Policy, the 2010 National Education Policy, the 2011 National Women Development Policy and other social welfare policies in promoting religious harmony. The Government provides basic education on religion for children and adults as well as budgetary allocations for the development of religious minority groups through separate religious welfare trusts for Hindus, Buddhists and Christians to establish and repair religious institutions, for example. The State makes the main festivals of all religions public holidays for a nationwide celebration.

9. On 14 July 2009, Parliament passed the National Human Rights Commission Act of 2009, with retrospective effect, to legalize the actions performed by the Commission, which was established under ordinance in 2008. On 22 June 2010, the Government reconstituted the Commission with the appointment of a Chairman and six new commissioners.

10. The Commission has a few challenges, including limited jurisdiction or authority in the event of a violation by law enforcement agencies. It can only demand reports from government agencies. There is no specific consequence for the failure of Government to provide such reports. The Commission has limited human or financial resources to be able to function effectively and independently.

11. Bangladesh is party to almost all core human rights treaties, including the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. However, Bangladesh has made reservations to article 14 (3) (d) of the International Covenant on Civil and Political Rights, articles 2 and 16 (1) (c) of the Convention on the Elimination of All Forms of Discrimination against Women, and articles 14 (1) and 21 of the Convention on the Rights of the Child.

III. Interreligious coexistence

A. A deep rooted tradition of pluralistic coexistence

12. Everyone with whom the Special Rapporteur had a chance to speak agreed that people generally live peacefully together across religious divides in Bangladesh. The religious landscape in Bangladesh and the (Indian) subcontinent has always been pluralistic. According to the 2011 census in Bangladesh, approximately 90 per cent of the population is Sunni Muslim. Hindus account for 9.5 per cent of the total population and all other faiths, including Christians and Buddhists, account for less than 1 per cent.

13. Muslims, Hindus, Buddhists and Christians are the most commonly found religious communities in Bangladesh, while there are also other religious minorities, such as the Baha'is (about 300,000 followers), animists or indigenous peoples who practise other beliefs or traditional forms of spirituality in combination with one of the four religions mentioned above.

14. The majority of Muslims in Bangladesh follow the Hanafi school of Sunni Islam, while Jafa'ari Shias, Ismaelis and Ahmadis constitute different branches of inner-Islamic minorities, which are rather small. Likewise, Christians also comprise different denominations, in particular Catholics, Anglicans and various forms of Protestantism, such as Baptism. The picture would be incomplete without agnostics and atheists who also live in Bangladesh.

15. The Special Rapporteur heard much about the many religious festivals in the country that are jointly celebrated by people of different religious backgrounds by going to the parade, sharing food with neighbours and giving sweets to children. This illustrates that people not only live side by side, but also try to get to know about and respect each other's religion.

16. During his visit to an Islamic school in a Hindu neighbourhood, the Hindus happened to be celebrating a festival honouring Krishna's birthday. The Special Rapporteur heard the Hindu music played in the background, in which Krishna's flute was very noticeable, while at the same time Muslim students played in their schoolyard or studied in their classrooms. He takes this as an example of the relaxed atmosphere of interreligious coexistence, which generally prevails in the country.

17. Obviously, religious pluralism is deeply rooted in Bangladesh and the subcontinent. Some interlocutors attributed this to a long tradition traceable to the Moghul Emperor Akhbar, if not even much further back in history. Others mentioned the positive role of Sufism in shaping the country's open religious atmosphere. Religious intolerance and extremism, although seemingly on the rise, is generally not seen as fitting into the predominant culture in Bangladesh of harmonious interreligious coexistence. While the threat of Islamic extremism cannot be denied, the typical interpretation is that this has not much to do with religion itself but rather originates from an "abuse" of religion for political gains.

B. Changes of the religious demography

18. The religious demography in Bangladesh has changed considerably in recent decades, mostly as a result of migration. When the demography changes rapidly, this can pose some challenges to the religious harmony in the country. This risk is even higher, if certain minorities feel vulnerable and insecure.

19. Most salient is the declining number of Hindus in the country. Whereas at the time of the independence of Bangladesh, in 1971, the Hindu population amounted to approximately 23 per cent of the country's entire population, current estimates put that figure at around 9 per cent. Apparently, this drastic decline has much to do with contested property issues, which the Government has been trying to resolve (see paras. 26-32 below) as well as the experience of a general vulnerability through harassment and at times even physical attacks.

20. In the Chittagong Hill Tracts region, where the religious landscape has distinctively differed from the rest of Bangladesh, demographic changes have been even more pronounced, not least as a result of government-induced population transfer in the past. Unlike a few decades ago, when the indigenous peoples living in that region — mostly following Buddhism and Christianity -- constituted the vast majority, the numerical relationship between indigenous and Bengali populations has by now become more or less even. As a result of those changes, Islam has become quite visible, not least in the shape of many newly erected mosques and madrasas, while many Hindus have also migrated to the Chittagong Hill Tracts region, where they feel safer than in some other regions of Bangladesh. It should be noted that, in that region, ethnic and religious minority situations,

although largely overlapping, are not identical. For instance, some of the Buddhists or Christians living in the region have a Bengali background, while the majority of the followers of those two religions are indigenous.

C. Regional dynamics

21. In many discussions, the Special Rapporteur sensed a peculiar tendency to associate people from other religious backgrounds with the countries that neighbour Bangladesh. In the case of the Hindus, the association with India seems almost natural and is indeed not only externally ascribed, but also shared by the community itself. Many Hindus maintain strong ties with family members living in India, and migrating from Bangladesh to India has always been an option — possibly also the last resort in emergency situations when Hindu people lost their property, jobs or trust in politics.

22. Certain currents within the Muslim majority are sometimes associated with Pakistan, for example, by being ascribed a "Pakistani mindset". The Special Rapporteur also heard Buddhists in the Chittagong Hill Tracts being associated with Myanmar, where Buddhists constitute the majority religion. Reportedly, there have been isolated incidents in which militant Muslims called upon the Buddhists to leave the country and settle in Myanmar. Fortunately, such ideas do not find an echo in the larger society. It also happens that Christians are perceived as having close links with the West.

23. This tendency of associating the various religious communities with foreign countries does not currently pose a major threat to the integrity of the nation and apparently does not undermine the generally peaceful climate of interreligious coexistence. However, depending on the development within the region, risky situations may occur. Tensions arising in foreign relations could have negative spillover effects also on the way religious communities interact in Bangladesh.

24. In the context of such debates, the Special Rapporteur also heard much about the increasing influence of Middle-Eastern countries. The rise of Islamic fundamentalism in a country traditionally characterized by interreligious tolerance is often attributed to the growing influence of ultraconservative interpretations of Islam stemming from the Gulf region. Deplorably, the Special Rapporteur received information about a series of targeted attacks on religious minorities in recent weeks, responsibility for which was claimed by violent Islamists after his visits.

25. One sensitive issue relates to the Rohingyas, many of whom have fled serious persecution in Myanmar. The Government of Bangladesh has not legally acknowledged many Rohingyas in the country and plans to relocate existing Rohingya refugees to a southern island to further isolate them from the tourist area of Cox's Bazar. The general perception seems to be that the Rohingyas mostly entertain a rather conservative understanding of Islam, which raises suspicion against them in parts of the population. Furthermore, the Government allegedly announced a ban on marriage between Bangladesh nationals and non-citizens, such as the Rohingyas, to avoid the latter using marriage to gain citizenship. A circular was issued to that effect, providing a strict directive to district registrars to refrain from registering marriages between members of the local population and refugees from Myanmar living in Bangladesh, thus constituting a discrimination against this group of people.[2]

[2] See Committee for the Elimination of Racial Discrimination, general recommendation No. 30 (2004) on racial discrimination against non-citizens.

IV. Constitutional principles and their application in practice

A. Conceptualization and implementation of secularism

26. The Government attaches great importance to the structure of Bangladesh as a secular State, as enshrined in article 12 of the 1972 Constitution. In all discussions with representatives of the State, in administration as well as Parliament, secularism always emerged as a dominant theme. Some interlocutors closely associated this principle with the coming to existence of the independent State in 1971. The issue of secularism also came up in discussions with civil society organizations and members of religious communities, many of whom expressed their commitment towards upholding and further developing the secular nature of the State.

27. The term "secularism" can carry different meanings, which often leads to confusing discussions. Secularism is sometimes perceived as reflecting an anti-religious attitude. There are indeed examples of "secular" regimes that actually aim to purge the public sphere of any visible religious manifestations, thereby reducing faith to a merely private affair. The prevailing understanding of secularism in Bangladesh, however, seems to be very different.

28. Far from reflecting an anti-religious ideology, secularism represents a commitment, enshrined in the Constitution, to create and uphold an open, inclusive space for the unfolding of religious diversity, free from fear and free from discrimination. Such an "inclusive" understanding of secularism is a high aspiration, since an "inclusive space" is not something one can simply take for granted; it requires long-term investments by the State, for instance, with regard to education, civil society development, minority outreach programmes and other activities. Secularism should thus not be equated with a merely "passive", non-committed attitude of the State vis-à-vis religions or beliefs. There is indeed a need for the State actively to protect and promote religious and belief-related diversity, based on the right to freedom of religion or belief for all, as guaranteed in articles 39 and 41 of the Constitution as well as in international human rights law.

29. The inclusive understanding of secularism as a space providing principle in the interest of freedom of religion or belief for all is intimately linked to democracy, i.e. another principle upon which the Constitution of Bangladesh was built. Democracy is much more than mere majority-rule, to which the term democracy is sometimes simplistically equated. While majority-rule may actually function as a main criterion of decision-making within a politically pluralistic society, democracy, inter alia, presupposes safeguards for everyone's fundamental rights, in particular the rights of civic participation, which facilitate a culture of public critical discourse.

30. Democracy cannot exist without the space, in which political parties, civil society organizations, journalists, online activists and others can express their views freely, i.e. free from fear and discrimination. In this sense, one can also describe democracy — in close analogy to inclusive secularism — as a space-providing principle. Thus, there are good reasons to see democracy and secularism as two mutually reinforcing principles within the Constitution of Bangladesh.

31. While the Special Rapporteur saw much commitment to these two principles of secularism and democracy, there appear to be serious problems at the implementation level. Inconsistencies can already be found at the level of the Constitution itself, article 2A of which proclaims Islam as the State religion. To avoid a possible misunderstanding, it might be useful to clarify that there is not the slightest contradiction between being committed to secularism (in the above understanding) and professing and practising Islam or indeed any other religion. A secular constitution can well serve a society in which many people

manifest their religious convictions, passions and loyalties, perform religious practices and enjoy religious festivities in private as well as in public.

32. A secular State and a religious society can harmoniously exist together, but a secular State cannot at the same time be a religious State, i.e. a State proclaiming an official State religion. Although article 2A, after proclaiming Islam as the State religion, goes on to declare that the Government shall ensure equal status and equal rights of other religions, the contradiction remains. Despite the Government's assurances that the principle of non-discrimination (art. 28 of the Constitution) "supersedes" article 2A, members of religious minorities claim that the proclamation of Islam as the State religion still leads to the discriminatory interpretation and application of the laws and decrees. Moreover, family law affairs in the broadest sense are generally governed by religious laws, which may also raise issues under freedom of religion or belief, as will be discussed below (see paras 63 and 64 below).

B. Politicization of religion?

33. Although militant interpretations of Islam may not resonate widely in a society generally characterized by a long tradition of interreligious coexistence, the influence of extremists has become a matter of much concern, not only for the Government, but also for civil society organizations and religious communities.

34. However, some of the measures taken by the Government in the interest of upholding secularism seem to lead to the paradoxical result of shrinking the very space that secularism — like democracy — is supposed to provide.

35. Some interlocutors expressed concerns that Government agencies partially compromise the principle of secularism by increasingly employing religious concepts in their political rhetoric, possibly with the intention to appease Islamists militants. In order to combat the "politicization of religion", measures may be put in place that lead to the "religionization of politics" — ironically even under the auspices of a Government that is committed to upholding the constitutional principles of secularism. In other words, while the Government may be fighting the instrumentalization of religion, it could at the same time be seen as using religion to achieve political goals. This may erode the credibility of the Government's profession of inclusive secularism.

36. One example that illustrates this tendency is the seeming ambiguity with regard to respect for the self-understanding of Ahmadis; the Special Rapporteur heard different positions taken by Government officials on this matter, ranging from upholding a neutral stance in theological issues to open declarations of Ahmadis as non-Muslims, thus endorsing the view of Islamist militants, which seems strangely at odds with the principle of State secularity. Even though the Government of Bangladesh assured the Special Rapporteur that it does not endorse such views, the Special Rapporteur would like to point out that, from the perspective of freedom of religion or belief, everyone should be respected in their self-understanding and self-definition in matters of religious conviction. Although not everyone can be expected to share the religious self-understanding of anyone else, the Government must in any case ensure that such self-understandings are at least respected, including by public officials.

37. Similar ambiguities have occurred in statements concerning the recent murders of online activists and the death threats that people engaged in such activities have received. While condemning such threats and acts of violence committed in the name of religion and pledging to bring perpetrators to justice, government representatives at the same time have publicly admonished online activists who have expressed critical views on religion, in particular Islam, warning them "not to cross the limits" in their criticism of religion,

without specifying what this cryptic warning is supposed to mean, thereby sending unclear messages to society in general and law enforcement agencies in particular. In a climate of increasing public nervousness, lack of clarity in public statements can have disastrous effects.

38. The shrinking space for civil society was a main issue in discussions with human rights activists, journalists, academics and independent intellectuals. While chiefly feeling under pressure from religious militants, some also experienced what one interlocutor called "friendly fire". Restrictive laws, such as section 57 of the Information and Communication Technology Act, which threatens draconian sanctions for vaguely defined defamation offences, have created an atmosphere of legal insecurity, in which people are afraid to participate in public debates on sensitive issues, including religious issues.

39. Even civil society activists who largely agree with the "secular" political agenda of the current Government have expressed feelings of alienation and frustration. Arrests of certain members of human rights organizations that have long existed in Bangladesh, using the Information and Communication Technology Act, have added to the perception of a rapidly shrinking space.

C. Obstacles in consistent implementation

40. The Special Rapporteur repeatedly came across assessments that constitutional provisions, legal norms and political reform agendas lack consistent implementation, in particular at the local level. This problem seems to affect various societal sectors, such as education, public welfare, religious affairs, property issues and even guarantees of physical safety by law enforcement agencies. Some members of religious minorities attributed this problem to the mindset of certain people working in the administration who allegedly do not accept minorities and thus tend to obstruct the implementation of laws favourable to them. Others pointed to widespread corruption, which leaves economically impoverished strata of society without sufficient influence. Moreover, some referred to a lack of systematic monitoring, resulting in much arbitrariness exercised by local authorities, in particular in remote areas.

41. During the limited time of the visit, the Special Rapporteur could not go into a comprehensive analysis of the various root causes underneath the lack of efficient implementation. It seems clear in any case that the issue as such warrants heightened attention also from the perspective of freedom of religion or belief, since members of minorities may be particularly affected by protection and implementation gaps.

42. People living in the intersection of different vulnerabilities — religious minority status, gender, low economic income etc. — may suffer even more. Thus, training of law enforcement agencies concerning the rights of minorities, effective policies of combating endemic corruption and systematic monitoring of the administration are priority issues identified by many civil society organizations.

V. Feelings of insecurity and vulnerability

43. In discussions with religious minority communities, indigenous peoples and civil society organizations, the Special Rapporteur often sensed feelings of anxiety and insecurity. Such insecurity has different political, legal and societal dimensions, which may affect individuals and groups in various ways.

A. Contested land ownership

44. Unsettled property disputes constitute challenges in many societies, including in Bangladesh. In various ways, they are closely linked with problems concerning freedom of religion or belief. One link is the salient decline of the Hindu population in Bangladesh, which has shrunk significantly since the time of independence. The Government of Pakistan initially instituted the designation of minority owned land as "enemy property" under the provisions of the Enemy Property Act of 1965. That Act encompassed a series of discriminatory property laws targeting primarily Hindus and tribal communities in the eastern portion of the country (Bangladesh).

45. After achieving independence from Pakistan in 1971, the newly formed Bangladesh retained the inequitable provisions of the Enemy Property Act through the 1974 Vested Property Act. Hindus remained the main target, and the Vested Property Act caused many Hindu families to emigrate to India and other countries. As in many instances, when a person left the country for any reason, whether temporarily or permanently, they were designated as an "enemy" under the Vested Property Act and their property was "vested" or seized by the State. Frequently, when one Hindu member of a family left the country, the family's entire property was confiscated.

46. In reality, much of the confiscations carried out amounted to sheer land grabbing. The Government has tried to combat this phenomenon through the 2001 Restoration of Vested Property Act, under which Hindus should be given back their lost properties. However, the implementation of the Act seems to be problematic and the returning of lost properties has reportedly been inadequate in most cases. At the same time, incidents of land grabbing at the expense of Hindus continue even today, sometimes also affecting people who had converted away from Hinduism to another religion, for instance, the Baha'i faith.

47. Settling unresolved property issues and solidifying property claims seems to be very high on the agenda of the Hindu community. Although clearly acknowledging positive efforts made by the Government, people from the Hindu community expressed helplessness and despair at their loss of personal and religious property and the stagnation in restitution measures.

48. Much insecurity concerning real estate also exists in the Chittagong Hill Tracts, an area traditionally inhabited by various indigenous peoples. The lack of proper documentation proving ownership (land titles) has led to many disputes and to allegations of land grabbing. Legal insecurity also affects the land on which religious infrastructure has been built, such as temples, pagodas, churches, graveyards or cremation grounds. Obviously, this gives rise to concerns from the perspective of freedom of religion or belief, since religious community life, especially in a minority situation, cannot prosper without an adequate infrastructure, which itself presupposes legal clarity and security.

49. When visiting Bandarban and Rangamati, the Special Rapporteur met with members of various religious communities, most of whom were also indigenous. While acknowledging that their situation had improved in recent years, they were very aware of cases — including some recent cases — in which land previously utilized for religious purposes had been taken away, sometimes in connection with false documentation of land ownership, acts of vandalism and physical attacks. Legal insecurity of religious property, in combination with other factors, is a major reason underneath the feelings of vulnerability and insecurity still existing among indigenous peoples in the Chittagong Hill Tracts region, which also affects their freedom of religion or belief. It should be noted that, from the perspective indigenous peoples, land is not just a commodity but also intimately interlinked with their identity and may even carry a direct religious or spiritual significance.

B. Personal and community safety

50. Some of the violent incidents that have occurred over the past years have caused feelings of insecurity among minority communities, civil society organizations and individuals expressing critical opinions. One well-known case is the "Ramu incident" of 2012, when more than 20 historic Buddhist temples were ransacked, torched and finally destroyed. At the same time, a number of houses owned by Buddhists burned down to ashes. In that case, the Government reacted promptly and restored the destroyed temples, thus sending a much-needed message that such acts would not be tolerated. However, none of the perpetrators of the Ramu violence has been held accountable yet. According to the Government, the police have submitted charges in 18 cases, and 11 trials have commenced. The Special Rapporteur notes the reported progress but urges for prompt justice to be delivered. Many members of religious minorities, who shared their experiences, remembered such acts of violence, including lootings, vandalism, torching of houses of worship and even killings. Some expressed frustration about inadequate reactions of the police and the judiciary, which they said created a climate of impunity.

51. One particularly atrocious crime is the abduction of persons, mostly girls, with the purpose of forcing them to convert to another religion, while at the same time forcing them into an unwanted marriage, potentially even "marrying" them with their abductor. In addition to other elements of a brutal violation of human dignity, these crimes amount to rape or similar cruel abuses. Such incidents linger long in the memory of the affected families and communities, instilling in them yet another dimension of fear that they will in the long term lose out in the country.

52. Within the Hindu community, Dalits constitute a subgroup characterized by additional vulnerability and stigmatization. For instance, Dalits are effectively prevented from performing certain rituals. However, the Dalit issue seems to be much less visible and politicized than in some countries that neighbour Bangladesh.

53. Insecurity has also spread among civil society organizations. Within a few months, several online activists were killed, apparently because of the critical views that they had spread through social media. The general assumption is that the activists were "atheists" and had "insulted Islam". However, whether the ascription of atheism is correct seems rather doubtful at least in some of these cases. Nevertheless, holding atheistic convictions is in any case covered by everyone's right to freedom of religion or belief in conjunction with freedom of expression and other human rights.

54. Apparently, the responses of the Government had not been without ambiguity: while condemning the acts of violence and pledging to bring perpetrators to justice, Government representatives at the same time called upon critical freethinkers "not to cross the limits". That ambiguous message may have nourished doubts within law enforcement agencies as to whether they should really come to the rescue of critical intellectuals currently under attack. Reportedly, police agencies bluntly informed some of those people that they could not effectively protect them. As a result, some left — or tried to leave — the country. Beyond the group of persons who feel directly threatened since their names were put on a "hit list" published in the press or online by violent extremists, those tragic incidents further contributed to the sense of insecurity among minorities and other vulnerable groups. With regard to the 2013 killing of an online activist, it is noted that a judicial process is ongoing.[3]

55. In order to restore and enhance the sense of security of individuals and communities in vulnerable situations, "community policing" projects have been designed and are

[3] Judgements were delivered in January 2016.

currently in their implementation phase, in particular in the Chittagong Hill Tracts region. Regular communication between law enforcement and members of various communities can certainly help to prevent misunderstandings, build mutual trust and alert law enforcement to possible risk situations.

56. When visiting the Chittagong Hill Tracts region, the Special Rapporteur received specific information about ongoing community policing projects in Bandarban and Rangamati. Moreover, the number of indigenous persons who operate in the regular police force (unlike in the military) has reportedly risen in the Chittagong Hill Tracts region and is clearly above the national quota. This has apparently led to a somewhat improved sense of security among the indigenous peoples. However, "mixed policing", i.e. a direct cooperation between Bengali and indigenous individuals operating within the police, seem to face obstacles.

C. Issue of conversion

57. An emotional issue that came up in some exchanges relates to conversions. Religious conversions are generally rare and, when they do occur, mostly take place in the context of interreligious marriages. However, conversions have also occurred outside such marriages, in particular from Buddhism to Christianity or from various religions to Islam. On occasion, Muslims have converted to Christianity or to the Baha'i faith. Within the Mro indigenous people, who traditionally practise Buddhism, some tens of thousands have turned to a newly founded religion named "Krama".

58. Those who convert to another religion are sometimes ostracized socially for having allegedly converted not for genuine reasons, but for the expectation of material benefits or owing to other non-religious incentives. Sometimes, even the offspring of converts can be ostracized, generations after the conversion. Some converts have actually gone into hiding or concealed their newly adopted faith for fear of social stigmatization.

59. However, feelings of insecurity exist not only among converts, but also in communities from which people have converted. Smaller minority communities in particular have expressed concerns that they would in the long term lose their members to the predominant Islam or to Christian missionaries, which fosters suspicion of other communities. Furthermore, rumours and unrealistic projections can damage the general harmonious relations between the followers of different religious groups.

60. The Special Rapporteur would like to point out that freedom of religion or belief covers the right of everyone to change their faith voluntarily and replace it by another belief and also by non-belief. This part of freedom of religion or belief enjoys unconditional protection. In addition to changing one's own religion, the term "conversion" can also mean "to persuade others to change".

61. Trying to convert others likewise falls within freedom of religion or belief, as long as that persuasion is free from any coercion. This is an important caveat. However, its application in practice is not always easy, and there are lots of grey zones in this field. Missionary activities should certainly not exploit the vulnerability of people, for instance, those living in extreme poverty. However, those who have converted or would like to convert always deserve respect for their decision as part of their freedom of religion or belief.

62. The Government appears to pursue a policy of discouraging missionary activities, with a view of avoiding religious conflicts. As a consequence, the issuance of visas for international co-religionists has become rather restrictive. Religious minority communities deplored the fact that inviting fellow believers from abroad can become quite difficult, which also may infringe upon their freedom of religion or belief. Members of Christian

communities reported they felt exposed to the unfounded suspicion that they would engage in systematic proselytism.

VI. Educational issues

A. Conceptual clarification

63. Under international human rights law, States should make at least primary education compulsory for everyone, as also provided for in the Constitution. This mandatory status of school education, which is in the service of everyone's right to education, at the same time requires particular safeguards to ensure that students, in particular those of a tender age, are not exposed to pressure by their teachers or school authorities to participate in religious ceremonies against their own beliefs. This naturally has consequences for the way in which religious education should be organized in schools.

64. To clarify the issue, it may be helpful to distinguish between "information about religions" on the one hand and "religious instruction" on the other. While "information about religions" — in analogy to information about history, culture or geography — can legitimately become part of the mandatory curriculum, "religious instruction" in the narrow sense — i.e. being familiarized with religious prayers, rituals, ceremonies, etc. — should not be taught against the will of students or their parents, respectively.

B. Religious education in government schools

65. Given the complexity of the education system in Bangladesh, in which government schools,[4] private schools and religious schools of different sorts exist in parallel, it is not easy to get the full picture of the current situation of religious education in schools. In government schools, "religion" constitutes a mandatory subject, which seems to combine elements of neutral information with elements of religious instruction. The idea is that students receive education in their own respective religions, which is to be taught by teachers who themselves profess the same religions. Obviously, this presupposes a sufficient number of available teachers trained to give religious education, which is not always the case. Moreover, the current threshold for setting up a separate class of religious education seems to be very high.

66. Despite the Government's efforts to increase the number of teachers who profess minority religions, as laid out in the 2010 National Education Policy, the Special Rapporteur heard a number of examples that revealed technical problems in the implementation of that policy. In the absence of adequately skilled teachers from minorities, it may happen that Buddhist, Christian or Hindu children receive religious education from teachers who have not had any specific training on the subject. This appears to affect children mainly from religious minorities, such as Buddhists or Christians, who might have to opt for another religion class in order to obtain the necessary academic points to further their studies. This somehow nourishes fears among the communities that their children might be alienated from their own religions. In a particularly disturbing case, students were reportedly requested in an exam to state the reasons why Ahmadis should be declared "non-Muslims".

[4] The Special Rapporteur could not visit a public school owing to a public holiday announced just the day before of the scheduled visit.

C. Madrasas

67. A significant number of students attend Islamic schools, generally known as madrasas. The madrasa system is divided into two branches: "Alia madrasas" and "Qaumi madrasas". Both include an emphasis on Islamic teaching, i.e. the Koran, Hadith and other religious subjects. The Ministry of Education has integrated the Alia madrasas into the national curriculum and has furthermore established training programmes for madrasa teachers.

68. Those madrasas that comply with the national curriculum educate their students in various disciplines, including natural sciences, social sciences, mathematics, languages (Bangla, English and Arabic) and information and communications technology. Many of the madrasas coeducate boys and girls, who sit together in the same classroom. During his visits to Alia madrasas in Dhaka and Bandarban, the Special Rapporteur had discussions with principals and teachers and enjoyed some spontaneous interaction with students in classrooms.

69. While perhaps half of the madrasas follow the national curriculum, a large number of Qaumi madrasas, with their own curriculum, continue to operate outside of the Ministry of Education. Members of religious minorities have frequently expressed their fears that the madrasas, in particular Qaumi madrasas, promote extremist views, such as stigmatizing all non-Muslims as "infidels". The spread of madrasas, in particular those not operating in line with the national curriculum, seems to be a main source of anxiety among religious minorities. The Government affirms that it is committed to gradually offering a uniform curriculum for all students in the country.

D. Other religious schools

70. Other religious communities also run their own religious schools, sometimes connected with dormitories and orphanages. In the Chittagong Hill Tracts region, the Special Rapporteur visited a school operated by the Buddhist community, in which students from Hindu, Buddhist and Christian backgrounds — mostly from indigenous families — learn together. The Christian community also runs quite a number of schools, usually called "missionary schools", all of which follow the national curriculum. The vast majority of students in the Christian schools come from non-Christian religious backgrounds. Some interlocutors complained that the Christian communities face increasing problems in preserving their internal autonomy, as local administration reportedly interferes arbitrarily in the selection of principals or other governing positions concerning those schools.

E. Interreligious dialogue

71. In 1999, the University of Dhaka established the Department of World Religions and Culture, in which students learn about various religions, their common features and values, their relevant differences, and the ways to nurture interreligious relations. The professors and lecturers expressed their commitment to promoting modern interpretations of the sources and traditions of various religions, thereby encouraging reforms, not least in the sphere of gender equality. Some of the professors have also served as advisors to the Ministry of Education. A few years ago, the Department also founded a centre for interreligious and intercultural dialogue, which pursues more practical projects concerning interreligious communication in Bangladesh.

F. Community-based education

72. It should be mentioned that educational projects involving issues of religion also exist outside of schools, for instance, in temples or churches. Some local religious communities show a strong commitment in this regard. This includes communities characterized by the overlap of ethnic, linguistic and religious minority situations, which attach importance to familiarizing the younger generations with their traditions, which they fear they might otherwise lose in the long term.

VII. Legal questions involving religion

A. Personal status laws based on religion

73. Whereas most aspects of the law in Bangladesh are secular, personal status issues — such as marriage, family life, divorce, custody of children, maintenance and inheritance — remain governed by religious laws. Depending on the religious backgrounds of the concerned individuals, provisions of Islamic law, Hindu law, Canon law, etc. apply. Buddhists do not have their own personal status law in Bangladesh, but fall under the Hindu law. Projects supported by the Government to design a specific personal status law for the Buddhist community so far seem to have failed. Representatives of the Baha'i community reported that it applies its own family laws, which are recognized by the Government.

74. The Government enacted the Hindu Marriage Registration Bill in 2012, with the aim of providing legal and social protection to Hindu women from marriage-related insecurity. The appointed Hindu Marriage Registrar should not register the marriage of a woman under 18 years of age or of a man under the age of 21 years. However, the registration of Hindu marriages still remains optional, thus leaving important issues unresolved. According to media reports and indications from non-governmental organizations, the Prime Minister's cabinet was considering a revision to the law to make the minimum age of marriage 16 years for girls and 18 for men. The Government indicated recently that it had decided not to lower the minimum age of marriage for girls, which currently stands at 18 years, as specified in the Child Marriage Restraint Act.

75. Despite the existence of the Anti-Dowry Prohibition Act, the tradition of the dowry is still maintained and is worsened by the multiplication of non-registered marriages. This situation contributes to placing women in the humiliating position of being objects of bargaining.

76. From the viewpoint of freedom of religion or belief, religion-based personal status laws usually give rise to different concerns. Although the structure is to a certain degree pluralistic, the system does not easily, if at all, accommodate certain constellations of interreligious partnership. Moreover, some people — for instance, converts, agnostics, atheists and others — may face even greater difficulties to fit into the limited options provided by a religion-based structure of personal status laws. The Special Rapporteur would like to reiterate in this context that freedom of religion or belief does not merely protect the followers of traditional religions, but also those who profess other religions or beliefs, including agnostic or atheistic convictions.[5]

[5] See Human Rights Committee, general comment No. 22 (CCPR/C/21/Rev.1/Add.4), para. 2.

77. Interreligious marriages, although slowly becoming more popular in urban areas, have been very rare in Bangladesh. The striking paucity of interreligious marriages in a country in which people of different religious orientations have always lived side by side is a surprising phenomenon. There are good reasons to assume that difficulties arising from the existing structure of personal status laws are a main factor explaining that situation. While some interreligious constellations can be accommodated within the existing system, in accordance with the rules of the concerned religious communities, others cannot.

78. For instance, a Muslim woman cannot legally marry a non-Muslim man. In such cases, the only resort — apart from conversion or emigration — is by applying the Special Marriage Act of 1872. However, in order to have their marriage validated under the Special Marriage Act, the marrying couple must declare officially that they do not believe in any institutionalized religion. As a consequence of marrying under the terms of the Act, any member of an undivided family that professes the Hindu, Buddhist, Sikh or Jaina religion shall be deemed to effect his or her severance from such family (art. 22); and no person professing the Hindu, Buddhist, Sikh or Jaina religion who marries under the terms of the Act shall have any right of adoption (art. 25).

79. This unusual stipulation constitutes a factually insurmountable hurdle for many people. Either they understand themselves as believers rather than non-believers, or they would in any case prefer not to publicly proclaim non-belief for fear of societal ostracism or other inimical reactions. As long as the stipulation of declaring non-belief exists as a precondition to resorting to the Special Marriage Act, then the Act does not provide in reality the option of a civil marriage open to everyone who would like to make use of it, for instance, in order to overcome obstacles for certain interreligious marriage constellations within the current system of personal status laws.

80. The Special Rapporteur would like to emphasize that religious family laws conceptually differ from religious family values, rites or customs. Law, in whatever sphere of life, always carries with it the element of enforcement by the State. While religious rituals, customs, ceremonies and values in the broad area of marriage and family life receive general protection under the right to freedom of religion or belief, State-enforced laws based on religion can lead to problematic situations, for instance, when an interreligious marriage cannot be contracted for religious reasons or when such a marriage breaks down and the spouse who had converted to the religion of her or his partner wishes to return to the previous religion.

81. Such a return is difficult in itself and can be made even more complicated by legal insecurity, which a change of religion may incur concerning sensitive issues such as inheritance, maintenance or custody of children. Moreover, apart from raising issues under freedom of religion or belief, traditional personal status laws typically also reflect inequalities between men and women who are understood as having different roles, and concomitantly different rights, in the areas of marriage, child rearing, custody, maintenance, inheritance, etc.

82. Reportedly, demands for replacing the current system of religious laws in the sphere of personal status with a unified family law have so far been unsuccessful. Unlike in the 1980s and 1990s, when such demands were more frequently articulated, they appear to have lost much of their momentum in the current societal climate, in which religious issues are perceived as being very delicate. However, the Special Rapporteur heard passionate statements from some Hindu women who felt heavily discriminated against under the current regime of Hindu personal status laws, especially in situations of divorce or widowhood. Those women, who all were practising Hindus, expressed a clear desire that the current system of State-enforced religious personal status laws be replaced with secular family laws applicable to all without any distinctions on grounds of religion or gender. This issue seems to be contested internally within the various religious minorities.

83. In discussions with government representatives, there was a general reluctance to tackle the issue of religion-based personal status laws, which, in a polarized climate, seems to harbour great political risks. Instead, the Government encourages gradual reforms within the existing structure as well as making use of flexible applications that may improve the situation of women without formally challenging the basis of these laws. The National Human Rights Commission also expressed sympathy for such a cautious, pragmatic course.

B. Religion-related offences

84. The Criminal Code of Bangladesh contains blasphemy laws that originate from the era of British colonial rule, including sanctions against "outraging religious feelings", as provided for in section 295A of the Criminal Code. Section 57 of the Information and Communication Technology Act 2006 was called by some the "online version" of section 295A of the Criminal Code. At the same time, the application of section 57 of the Act is even wider and the punishments threatened are by far more draconian.

85. The latest amendment to the Information and Communication Technology Act was made on 6 October 2013. Section 57 of the 2013 Act states that the publishing or transmitting on a website in electronic form of any defamatory or false information is considered to be a cognizable and non-bailable offence. Moreover, punishment for committing this offence has been amended from a maximum of 10 years of imprisonment, with no minimum, to a minimum of 7 years of imprisonment and maximum of 14 years.

86. In addition, the procedural safeguards connected with the Criminal Code do not fully apply, which renders section 57 a flexible and broadly applicable instrument in the hands of the Government. Although there are no precise figures[6] as to how often section 57 has been used to impose sanctions for offending religious sensibilities or similar offences, the law undoubtedly has a chilling effect on civil society organizations, human rights activists and members of religious minority communities. It contributes greatly to the perception of a shrinking space for frank public discourse.

87. Many interlocutors from the Government expressed their view that it would be generally advisable to avoid unnecessary provocations, in particular concerning religious questions. The Special Rapporteur agrees that developing sensitivity as to where the various religious sentiments and "taboos" lie should be part of civic education and awareness-raising programmes in a society that is pluralistic in terms of religion. Moreover, media organizations can set up their own sensitivity training, and interreligious communication can play a very productive role in any such endeavours. In short, much can and should be done. Moreover, it is a truism that freedom of expression is not absolute and must sometimes be limited.

88. However, the decisive point is that any limitations deemed necessary must be clearly and narrowly defined and should meet all the criteria contained in constitutional law and international human rights law. Already section 295A of the old Penal Code fails to meet these criteria, given its vague formulation, and the same is all the more true with regard to section 57 of the Information and Communication Technology Act. The offences mentioned in these two sections are only vaguely circumscribed and thus remain vulnerable to highly subjective invocations and arbitrary applications. For some Muslim clerics, the very existence of the Ahmadiyya Muslim Community might already contain a provocation that allegedly "hurts" their feelings. The Special Rapporteur would like to underline

[6] From January to November 2015, records of 29 persons were allegedly arrested under the Information and Communication Technology Act.

therefore that no rule-of-law regime can operate on the basis of such subjective sentiments. He furthermore took note that section 57 of the Act had become controversial also within State institutions, including the judiciary, from which he derived hope that this provision may be repealed in the future.

VIII. New issues for further exploration

A. Integrating indigenous spirituality into freedom of religion or belief

89. In addition to the problems mentioned above, indigenous peoples may also feel disadvantaged because of their broad concept of spirituality, which does not easily match the usual patterns of handling religious freedom. For instance, instead of entertaining spatially demarcated houses of worship, indigenous spirituality often venerates natural sites the spatial dimensions of which cannot easily, if at all, be defined.

90. Indigenous ceremonies are so deeply interwoven into daily life that the distinction between religious and non-religious aspects may become inapplicable in practice. Religious loyalties, too, may be less clear-cut than in mainstream religions and may even combine elements of different religions. The term "syncretism", mostly used to describe such phenomena, is perceived as carrying a pejorative meaning.

91. Freedom of religion or belief requires an inclusive application, i.e. an openness for people who themselves have to decide what matters to them in issues of faith, personal convictions, religious ceremonies and spiritual practices. In the case of indigenous spirituality, this appears to be particularly challenging, as indigenous individuals may encounter difficulties in articulating their specific demands, which they traditionally just took for granted as part of their everyday world and life. The only way out of this predicament is through open communication, which presupposes willingness to respect indigenous rights as an indispensable part of human rights.

B. Freedom of religion or belief of hijras and other sexual minorities

92. Transgender persons — biological males who identify as female — are also known as "hijras" in South Asia. They are usually accepted in their societies, including Bangladesh. However, by their difference, people reportedly believe that they own a different set of religious practices — quite similar to some Hindu rituals — developed just for their community. Indeed, many hijras actually participate in mainstream religious life, for instance, by attending the Friday prayer or participating in church services.

93. Unlike the case of the hijras, other sexual minorities do not find much acceptance in society and often experience verbal or other abuse. The idea that individuals belonging to sexual minorities should be able to exercise their freedom of religion or belief like everyone else may strike many people as unusual or even unthinkable. It seems to be a widespread perception in Bangladesh that persons belonging to sexual minorities must be "non-believers" since their conduct is seen in breach of traditional interpretations of religious ethics. However, many individuals belonging to sexual minorities in fact identify themselves as believers of different faiths.

94. Freedom of religion or belief of persons belonging to sexual minorities is a very much underexplored issue that warrants more international attention. Diverse sexual orientations and gender identities are a reality in every society and not an invention imposed from abroad, as some may be inclined to think.

95. The only question is whether and how to recognize this reality. An opening-up in this regard helps to overcome prejudices and unsubstantiated anxieties, thus giving more breathing space to human beings who otherwise would be forced to conceal important aspects of their personal identity. The Special Rapporteur would like to stress that the right to freedom of religion or belief is guaranteed for every single human being, so no one should be deprived the right on the basis of sexuality, gender, ethnicity or caste. He has heard of encouraging initiatives by representatives of sexual minorities and religious community leaders in South Asia, including some from Bangladesh, who met to discuss and better understand these issues.

C. Communicative action against incitement to religious hatred

96. Incitement to hatred in the name of religion poses a threat to all societies, including in Bangladesh, and casts a dark shadow over the otherwise harmonious society. More than anything else, incitement to religious hatred also prevents people, in particular members of minorities, from fully enjoying their freedom of religion or belief and their freedom to live without fear.

97. The scourge of religious hatred has recently attracted much attention at the United Nations. In 2012, as a result of broad international and regional consultation, including in Asia, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence was elaborated, including details concerning the principles on which anti-incitement policies should be based. In this context, the Rabat Plan of Action attaches great importance to the productive role that communicative outreach should play in preventing and combating acts of hatred perpetrated in the name of religion. It emphasizes the significance of interreligious dialogue, independent journalism, a fair representation of minorities in public and private media and other communicative action.

98. The main response to hate speech should be "positive speech", which requires commitment by a broad range of different stakeholders. For this to be possible, communicative freedom is needed, including freedom of expression, freedom of association and, not least, freedom of religion or belief, of all which are normatively closely interlinked. Limitations to those rights, e.g. if deemed necessary to prevent imminent danger, should always be connected to a high threshold and must be clearly and narrowly defined in order to preserve the space for public discourse, which, in a climate of political and legal insecurity, can rapidly shrink.

99. Bangladesh has been blessed with an active civil society and a broad variety of media, through which people participate in public debates. From the perspective of freedom of religion or belief, these are precious assets that deserve to be appreciated, cultivated and further developed. In an increasingly polarized atmosphere, this is obviously not an easy task.

100. Concerns expressed by civil society organizations about the shrinking space for public engagement should be taken very seriously, as they indicate the urgent need to take action in order to improve the conditions for communicative public engagement rather than creating more legal and political insecurity for civil society activities. Frank public discourse should be promoted in the interest of freedom of religion or belief for everyone, since religious open-mindedness requires an open space, ideally provided under the auspices of inclusive secularism, as entrenched in the Constitution of Bangladesh.

IX. Conclusions and recommendations

101. **Interreligious coexistence and societal open-mindedness in Bangladesh is traceable far back in history. The principle of secularism, as laid down in the 1972 Constitution of Bangladesh, provides a framework for accommodating religious and belief-related pluralism for everyone without discrimination. That commitment has been further confirmed through the ratification of international human rights conventions, such as the International Covenant on Civil and Political Rights.**

102. **In Bangladesh, secularism is mainly understood in an inclusive manner. Instead of pushing religious manifestations back into the private sphere, as it is in some other parts of the world, secularism in Bangladesh functions more like a space-providing principle, also within the public sphere. In this sense, secularism and democracy closely belong together, because democracy, too, presupposes and facilitates an inclusive public space for the unfolding of open debates. The adoption of certain restrictive legislative and administrative measures has led to a shrinking space for religious or political dissent and frank public discourse — even when they were enacted with the intention to defend secular democracy — and may thus inadvertently erode the very principles that the measures were supposed to protect.**

103. **The Special Rapporteur sensed much positive commitment among different stakeholders to maintain the harmonious interreligious coexistence, open-mindedness and secular democracy, particularly in the face of rising religious polarization.**

104. **The Special Rapporteur would like to make the following recommendations, addressed mainly to Government agencies:**

(a) **The Government is encouraged to uphold its commitment to promoting the principle of secularism, as enshrined in the Constitution of Bangladesh. It should ensure that secularism is interpreted as a space-providing principle designed to accommodate religious diversity on the basis of the right to freedom of religion or belief for all. With such an inclusive understanding of secularism, Bangladesh may provide an important contribution to international debates, in contrast to other restrictive concepts of secularism that prevail in many parts of the world;**

(b) **The Government is reminded that, when fighting the instrumentalization of religions, it should also refrain from using religion to achieve political goals;**

(c) **The Government should double its effort in facilitating and encouraging interreligious and cross-boundary communication, in order to maintain peaceful coexistence and reduce possible suspicion and misunderstanding among different religious and belief communities;**

(d) **The Government should be consistent in expressing its position against any acts of intolerance, discrimination and extremism. It should send messages of solidarity with religious minorities, including small groups, such as Ahmadis, on the basis of the understanding that, under freedom of religion or belief, everyone should be respected in their own religious self-definition;**

(e) **The Government should protect the vibrant civil society and pluralistic society in Bangladesh by addressing the existing anxiety expressed by members of religious minorities and indigenous peoples who feel vulnerable in the face of rising religious extremism and acts of violence perpetrated against them;**

(f) **When publicly condemning acts of violence, including killings, that target members of religious minorities, civil society activists and Internet**

activists, the Government should meticulously avoid any ambiguities that could be perceived as putting the blame partially on the victims of such violence. All incidents of attacks must be investigated and the perpetrators must be brought to justice;

(g) The Government should step up its effort in fighting against the culture of corruption;

(h) The Government is encouraged to apply the Rabat Plan of Action when combating incitement of acts of religious hatred. This requires inviting all relevant stakeholders, including government agencies, religious communities, media representatives, civil society and experts in education, to develop strategies of "positive speech" in order to counter the impact of hate messages;

(i) The Government should investigate allegations of land grabbing and protect the rights of indigenous peoples and religious minorities to their land where religious infrastructures, graveyards and cremation grounds rest;

(j) The Government should engage in discussions with representatives of indigenous peoples on how better to accommodate their spiritual practices and needs;

(k) The Government is encouraged to continue and broaden projects of community policing in order to enhance the sense of security, especially for minority populations and indigenous peoples;

(l) The Government should repeal restrictive legislation, such as the Information and Communication Technology Act, that prevents civil society activists from voicing their criticism and concerns without fear of sanctions;

(m) The Government should consider introducing reforms within the existing system of personal status laws in order to overcome discriminatory implications and effects, often at the intersection of religious minority status and gender. This should include broadening the options for contracting a civil marriage;

(n) When providing for religious education in schools, the Government should ensure sufficient resources are provided for the recruitment and training of teachers from religious minorities. Furthermore, the autonomy of schools run by religious minorities should be respected, including when appointing principals;

(o) The Government should provide equal resources to all religious communities in the country to help them develop and maintain their religious establishments and needs;

105. The Special Rapporteur would like to make the following recommendations addressed to religious communities:

(a) Religious communities are encouraged jointly to promote harmonious interreligious coexistence and protect their rights to freedom of religion or belief in Bangladesh;

(b) When engaging in interreligious dialogue, religious communities should accommodate the interreligious and intrareligious diversity of positions. Furthermore, they should make sure that women play an active role in such projects;

(c) Religious community leaders have a particular responsibility to condemn any incitement to religious hatred in the clearest terms and to send counter-

messages of religious open-mindedness and solidarity with victims of such hatred;

(d) **Religious communities should discuss existing anxieties concerning missionary activities, based on freedom of religion or belief and a sensitive handling of particular vulnerabilities, for instance, of minorities and indigenous peoples;**

(e) **Civil society should report incidents of discrimination, intolerance or attacks aimed at any particular religious communities and organize meetings to discuss any issues of concern to reduce the climate of suspicion;**

(f) **Civil society should continue to claim its space, with the support of international stakeholders, to express dissenting views and voice concerns as appropriate.**